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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,199	03/29/2004	John J. Park	1022-2	5156

7590

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EXAMINER

WONG, STEVEN B

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/813,199

Applicant(s)

PARK, JOHN J.

Examiner

Steven Wong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03-29-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Specification***

1. The abstract of the disclosure is objected to because of the use of the legal language "means". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei (6,500,077). Regarding claims 1, 10 and 14, Wei discloses a golf tee structure comprising a golf tee or support structure (1) that is connected to a rigid support wire (3) having a bend for inserting the ends of the wire into a side of the golf tee (note Figures 7-11). Further, regarding claim 10, Wei provides a pair of springs (30) attaching the wire to the golf tee. Note Figure 10 showing the ends of the wire having a pair of spring which attach the wire (3) to the golf tee. Further, the wire provides a pair of posts which extend from the support structure for attaching the springs thereto.

Regarding claims 2 and 11, attention is directed to Figure 10 of Wei showing a series of bends the form a strike portion and a spoon shape portion. The wire of Wei provides a first set of bends that extends into the tee and second and third sets of bends immediately following the spring (30). In order to form the tee end for the wire, Wei provides bends in the wire encircling the cup (4). The wire inherently provides a set of bends on either side of the cup and a point at the end thereof.

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Regarding claims 3, 4, 12 and 13, the recited limitations relate to the intended use of the device. The tee structure of Wei is inherently capable of performing both functions. For example, the wire of Wei would be deflected away from the golf ball prior to a golf club head striking the golf ball when a golf club head only contacts the strike portion of the wire and forces the wire away from the golf ball.

4. Claims 10, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutts (1,181,507). Regarding claim 10, Cutts discloses a support structure (1) connected to a rigid support wire (3) having at least one bend and where the ends of the wire are attached to the support structure by a pair of springs (7). Note lines 21-27 stating that the support structure comprises a mower or other like agricultural machine. The mower or machine would be a self-supporting base.

Regarding claim 14, Cutts provides a pair of bolts (unlabeled) that attach the springs to the support structure (1). Note Figures 2 and 3 showing the bolts placed adjacent the rivets (6).

Regarding claim 15, the springs are removeably attached at the bolts (unlabeled) and the wire ends (8).

***Claim Rejections - 35 USC § 102/103***

5. Claim 16 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cutts (1,181,507). Cutts provides bolts which extend through the ends of the springs for attaching the springs to the support structure and wire. The attachment between the bolts and the springs is considered to be an interference fit since the bolts extend through holes formed by the spring (note Figure 3).

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In the alternative, it would have been obvious to one of ordinary skill in the art to provide a somewhat tight fit between the wire ends and the bolts in order to firmly and securely attach the spring to the support structure and the wire.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei (6,500,077) in view of Robbie (5,672,118). Regarding claim 5, Wei lacks the teaching for providing a self-supporting base.

Robbie reveals a golf training device including a rotatable tee (40) and a self supporting base (12, 14). It would have been obvious to one of ordinary skill in the art to replace the tee of Wei with the self-supporting base of Robbie in order to permit the tee of Wei to be used on hard surfaces that would not permit insertion of a golf tee.

Regarding claims 6-8, note the rejections of claims 2-4, respectively.

Regarding claim 9, it would have been obvious to one of ordinary skill in the art to place the tee of Wei as modified by Robbie on a practice mat in order to utilize the tee in a driving range environment.

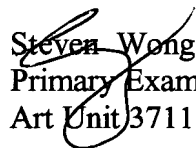
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven Wong  
Primary Examiner  
Art Unit 3711

SBW  
February 22, 2005